



United States Department of the Interior

FISH AND WILDLIFE SERVICE

California and Nevada Region
2800 Cottage Way, Room W-2606
Sacramento, California 95825-1846



In reply refer to:

Michael Jewell
Chief, Regulatory Division
U.S. Army Corps of Engineers Sacramento District
1325 J Street
Sacramento, California 95814-2922

SEP 30 2008

Subject: Request for U.S. Army Corps of Engineers Participation as a Cooperating Agency
in the NEPA Process and the Environmental Impact Analyses for the Bay Delta
Habitat Conservation Plan

Mike

Dear Mr. Jewell:

The U.S. Fish and Wildlife Service (Service), National Marine Fisheries Service (NMFS), and the Bureau of Reclamation (BOR) are initiating preparation of a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Bay Delta Habitat Conservation Plan (BDCP) for the Sacramento-San Joaquin Delta, California. As the Federal co-lead agencies for this project, we request your cooperation based on your jurisdiction by law and special expertise with respect to the environmental issues which should be addressed in the EIS/EIR.

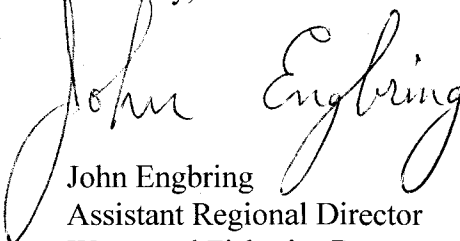
We are inviting the U.S. Army Corps of Engineers to be a "Cooperating Agency" in this project as defined by the Council on Environmental Quality (CEQ) Regulations for Implementing the National Environmental Policy Act (NEPA) at 40 CFR Section 1508.5. The responsibilities of a Cooperating Agency are described at 40 CFR Section 1501.6. We expect Cooperating Agencies to participate in the NEPA process at the earliest possible time, to participate in the scoping process leading to identification of significant issues for the plan, to help fashion alternatives to the proposed action for the EIS/EIR, and to make available staff support to enhance our interdisciplinary capability. Cooperating Agencies will focus their efforts on topics for which they have special expertise, appropriate data, or information. If you decide to act as a Cooperating Agency in the Bay Delta Conservation Plan's NEPA process, we hope you will commit personnel adequate to assume responsibility for developing information and preparing environmental analyses including portions of the EIS/EIR for which the Army Corps of Engineers has special expertise and area of jurisdiction, with direction from the Federal co-lead agencies. The co-lead agencies shall use the environmental analyses and proposals of the Army Corps of Engineers to the maximum extent possible, consistent with our responsibility as the Federal co-lead agencies.

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You have the right to expect that the BDCP EIS/EIR will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your needs are not being met. We expect that at the end of the process the EIS/EIR will satisfy your NEPA requirements including those related to project alternatives, environmental consequences, and mitigation. Further we intend to utilize the EIS/EIR and our subsequent Record of Decision (ROD) as our decision-making documents and as the basis for subsequent permit applications. We expect the permit application process to proceed concurrently with the EIS/EIR approval process.

Thank you for your continued interest in the Bay Delta Habitat Conservation Plan. We look forward to your response to our request for your agency to be a cooperating agency and to working with you on this project. Please be advised that a response to this request to be a Cooperating Agency is required under CEQ regulation 40 CFR 1501.6(c). Should you decide not to accept, you must respond in writing and submit a copy of your reply to the CEQ. Please feel free to direct questions regarding the Bay Delta Habitat Conservation Plan planning process to Lori Rinek at (916) 414-6600. Questions regarding Cooperating Agencies and NEPA may be directed to Mary Grim (916) 414-6464.

Sincerely,


John Engbring
Assistant Regional Director
Water and Fisheries Resources

cc:

Karen Schwinn, EPA Region 9, San Francisco, CA

Ted Meyers, NMFS

Sue Fry, BOR

Dorlores Brown, California Department of Water Resources

Scott Cantrell, California Department of Fish and Game